

1 **LUJAN AGUIGUI & PEREZ LLP**
Attorneys at Law
2 Pacific News Building, Suite 300
238 Archbishop Flores Street
3 Hagåtña, Guam 96910
Telephone (671) 477-8064/5
4 Facsimile (671) 477-5297

5 *Attorneys for Defendant Paul A.I. Mendiola*

FILED
DISTRICT COURT OF GUAM
FEB 10 2006
MARY L.M. MORAN
CLERK OF COURT

6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF GUAM**

8 UNITED STATES OF AMERICA,

CRIMINAL CASE NO. CR05-00011

9
10 vs.

STIPULATION FOR CONTINUANCE

11 PAUL A.I. MENDIOLA,

12 Defendant.
13

14 The parties in the above-entitled matter, the United States of America through Marivic P.
15 David, Esq. and Defendant Paul A.I. Mendiola, through his counsel, Peter C. Perez, Esq., hereby
16 stipulate to continue the sentencing hearing currently scheduled for February 14, 2006 at 11:00
17 a.m., to a date no earlier than April 13, 2006. This continuance is requested by defense counsel
18 on the following grounds:

- 19
20 1. Counsel for Mr. Mendiola is in the process of submitting a brief concerning a
21 sentencing issue, specifically, the base offense calculation of 34 recommended by
22 the Probation Office. Defendant pled guilty to conspiracy to distribute
23 methamphetamine hydrochloride, to distribute approximately 420 grams gross
24 weight methamphetamine, based upon three shipments. Laboratory reports are
25 available for only one of the shipments. The report for this one shipment indicates
26 that the substance has a purity level below 80%. There is no evidence concerning
27
28

1 the quantity, purity, weight, nature or character of the substance contained in the
2 two other shipments. Defendant will assert that the guideline calculation proffered
3 by Probation is incorrect. Counsel for Mr. Mendiola has contacted the Probation
4 Office and the Office of the United States Attorney regarding this issue. It appears
5 that the issue will be contested and that additional time will enable the parties
6 adequate opportunity to review and address the matter.
7

8 2. Mr. Mendiola has cooperated. Mr. Mendiola believes that the government may file
9 a motion for downward departure based upon his substantial assistance. One of
10 the targets identified by Mr. Mendiola, upon information and belief, continues to
11 cooperate, and it is Mr. Mendiola's intention to argue that this further cooperation
12 should be credited to him. In sum, the extent of Mr. Mendiola's cooperation,
13 submitted by the defense, is still being determined. Continuance of the sentencing,
14 to a date after which this further cooperation will likely be completed, will ensure
15 that Mr. Mendiola's cooperation to the government is fully presented to the Court
16 at the time of sentencing.
17

18 IT IS SO STIPULATED this 9th day of February, 2006:
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20 **LUJAN AGUIGUI & PEREZ LLP**

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22 **PETER C. PEREZ, ESQ.**

23 *Attorney for Defendant Paul A.I. Mendiola*

LEONARDO M. RAPADAS

United States Attorney

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22 **MARIVIC P. DAVID, ESQ.**

23 *Assistant U.S. Attorney*